THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

EVIANA ENGLERT
Assistant Corporation Counsel
Phone: (212) 356-5055
Fax: (212) 356-3509
eenglert@law.nyc.gov

January 20, 2017

BY ECF
Honorable Sandra L. Townes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jean Rios v. City of New York, et al., 14 CV 6992 (SLT) (SLT)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney recently assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Rossignolo, Durets and Klimenko (hereinafter "defendants"). Defendants write to respectfully request an extension of time to submit, pursuant to Your Honor's Order, dated December 13, 2016 (see Docket Entry No. 63), a proposed briefing schedule for defendants' motion for summary judgment. Counsel for plaintiff, David A. Zelman, Esq., consents to this request.

By way of background, discovery in this matter closed on August 12, 2016. (See Docket Entry dated July 1, 2016). By letter motion, dated October 19, 2016, defendants respectfully requested a pre-motion conference to address defendants' anticipated motion for partial summary judgment pursuant to Federal Rule of Procedure 56. (See Docket Entry No. 53). By letter, dated October 19, 2016, plaintiff opposed defendants' motion, contending that discovery on relevant topics remained open, which the parties disputed in subsequent letters to the Court and briefs surrounding a Motion to Compel address to the Honorable Steven L. Tiscione. (See Docket Entry Nos. 54-61). By Order, dated December 12, 2016, the Court granted in part and denied in part plaintiff's motion to compel. (See Docket Entry No. 62). The Court directed defendants to produce "any closing reports, statements from complaining witness(es) and officer responses, if they exist." (Id.). By Order, dated December 14, 2016, Your Honor denied defendants' motion for a pre-motion conference and granted defendants leave to move for summary judgment. (See Docket Entry No. 63). Your Honor further directed the parties to agree upon and file a proposed briefing schedule by January 20, 2017. (Id.).

The reason for this request for an extension of time is because defendants are currently in the process of producing certain discovery materials as directed by the Court's December 12, 2016 Order, but the production has not yet been completed. Accordingly, defendants respectfully request that the parties be permitted to file a joint status report on or before February 17, 2017, updating the Court as to the status of the document production and, if the discovery issues have been resolved, any proposed briefing schedule.

Defendants thank the Court for its time and consideration of the within request.

Respectfully submitted,

/s/

Eviana Englert
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
David A. Zelman, Esq.
Attorney for Plaintiff